

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BARCLAY

Serial No.: 09/461,709

Filed: December 14, 1999

Atty. File No.: 2997-1-3-2

For: "LIPIDS EXTRACTED FROM  
MICROORGANISMS"Commissioner of Patents  
Washington, D.C. 20231

) Group Art Unit: 1651

) Examiner: Ware, D.

) DECLARATION OF  
ANGELA K. DALLAS  
(37 CFR 1.132)

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted  
to the Patent and Trademark Office on 2/7/02

SHERIDAN ROSS P C

KATHLEEN BUSSELL

Dear Sir:

I, Angela K. Dallas, declare as follows:

1. I am an agent of record for the above-referenced Patent Application Serial No. 09/461,709 and am familiar with the above-referenced application.

2. A deposit of biological materials identified in the above-referenced patent application as ATCC Accession No. 20888, ATCC Accession No. 20889, ATCC Accession No. 20890, ATCC Accession No. 20891 and ATCC Accession No. 20892, was made on August 5, 1988, in the American Type Culture Collection (ATCC), located at 12301 Parklawn Drive, Rockville, MD 20852, affording permanence of the deposit and ready accessibility thereto by the public as of the granting of parent U.S. Patent No. 5,130,242, which issued on July 14, 1992.

3. All restrictions on the availability to the public of the material so deposited was irrevocably removed upon the granting of U.S. Patent No. 5,130,242, which issued on July 14, 1992.

4. The biological materials referenced in paragraph 2 above were deposited under conditions such that access to the material will be available during the pendency of the above-referenced patent application to one determined by the Commissioner to be entitled thereto under 37 CFR § 1.14 and 35 U.S.C. § 122.

5. The biological materials referenced in paragraph 2 above will be maintained with all the care necessary to keep them viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case, for a period of at least thirty years after the date of deposit or the enforceable life of the patent, whichever period is longer.

6. Applications to convert the deposit of the biological materials referenced in paragraph 2 above to deposits meeting all of the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the purpose of Patent Procedure was submitted to the American Type Culture Collection (ATCC), located at 12301 Parklawn Drive, Rockville, MD 20852, on June 24, 1997, by Dr. William Barclay.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

Date February 7, 2002

Angela Dallas  
Angela K. Dallas